

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

      DOTE-00 INR-07 NSAE-00 FAA-00 L-03 (ISO) W

----- 129983

R 221649Z DEC 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 5275

INFO AMEMBASSY LONDON

AMCONSUL MUNICH

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E.O. N/A

TAGS: EAIR, US, GW

SUBJ: SEABOARD TRUCKING PROBLEM - TRANSPORT

MINISTRY'S DEC 9 LETTER

REF: BONN 19791

1. IN THE LIGHT OF FMT OFFICIAL PAAS' DEC 9 LETTER TO SEABOARD, WE MADE AN INFORMAL APPROACH TO THE FMT, SEEKING TO DETERMINE IF AND WHEN THE FRG INTENDED TO TAKE ACTION AGAINST THE CARRIER. WE TOLD PAAS AND HIS DEPUTY STUCKENBERG THAT WE HAD NO NEW SUBSTANTIVE ARGUMENTS TO PRESENT AT THE MOMENT, BUT WISHED TO POINT OUT THAT WASHINGTON CONTINUED TO TAKE AN EXTREMELY SERIOUS VIEW OF THE RESTRICTIONS PLACED ON SEABOARD'S MARKET ACCESS IN THE FRG, AND WAS IN THE PROCESS OF PREPARING A RESPONSE TO THE FRG'S LATEST NOTE ON THE SUBJECT. WHATEVER THE LEGAL POINTS MADE IN PAAS' LETTER, WE BELIEVED IT IMPORTANT TO STRESS THAT ANY PRECIPITANT IMPLEMENTATION OF THE FRG'S RULING ON 507B AGAINST SEABOARD WOULD COMPLICATE ACHIEVING A MUTUALLY SATISFACTORY SOLUTION.

2. PAAS EXPLAINED THAT AFTER A GRACE PERIOD FOL-  
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LOWING THE SEPTEMBER 30 AND OCTOBER 21 LETTER TO

AIR CARRIERS ON TRUCKING, THE FMT HAD STARTED IN NOVEMBER SENDING AN FMT OFFICIAL TO VARIOUS AIRPORTS TO CHECK "UNAUTHORIZED" TRUCKING ACTIVITIES OF FOREIGN AIR CARRIERS. INITIALLY, ONLY IMPORT SHIPMENTS WERE CHECKED, BUT THE SECOND PHASE OF SURVEILLANCE WILL NOW ALSO INCLUDE EXPORTS. IT TURNED OUT THAT IN ADDITION TO SEABOARD, TEN OTHER CARRIERS WERE CONTRAVENING THE FMT ORDER. ON THE BASIS OF THESE FINDINGS, A FORM LETTER WAS SENT TO THE CARRIERS, LISTING AWB NUMBERS, DATES, TYPES OF AIR CARGO SHIPMENTS, WEIGHTS, AIRPORTS OF ACCEPTANCE AND DESTINATION, PLUS NAMES OF OPERATORS PERFORMING TRUCKING SERVICES ON BEHALF OF THE AIR CARRIERS. THE CARRIERS WERE THEN GIVEN AN OPPORTUNITY TO REPLY AND UPON RECEIPT OF SUCH REPLIES, FILES WERE TRANSFERRED TO THE FEDERAL AIR OFFICE (LBA, BRAUNSCHWEIG), THE ENFORCEMENT AUTHORITY FOR PROCESSING OF FINES AGAINST INDIVIDUAL AIR CARRIERS.

3. IN REPLY TO REPEATED QUESTIONS BY EMB CAA RE POSSIBILITY OF DEFERRING ACTION AGAINST SEABOARD, PAAS SAID THAT FRG LAW CONTAINS SPECIFIC TIME-FRAMES FOR THE PROCEEDINGS WHICH HE COULD NOT RECOMMEND SUSPENDING FOR SWA, SINCE THIS WOULD DISCRIMINATE AGAINST THE OTHER CARRIERS INVOLVED. HE FINALLY CONCEDED, HOWEVER, THAT DUE TO PRESS OF BUSINESS AND THE FORTHCOMING HOLIDAY SEASON, IT WAS MOST UNLIKELY THAT THE LBA WOULD MOVE BEFORE THE MIDDLE OF JANUARY 1976. STUCKENBERG MADE A

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INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 FAA-00 L-03 (ISO) W

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R 221649Z DEC 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 5276  
INFO AMEMBASSY LONDON  
AMCONSUL MUNICH

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POINT OF SAYING HE WOULD NOT WANT SEABOARD TO  
IN ANY WAY FEEL COMPLACENT BECAUSE OF THE LENGTH  
OF TIME NECESSARY TO PROCESS POSSIBLE PUNITIVE  
ACTION. HE FURTHER MADE IT CLEAR THAT HE  
BELIEVED SEABOARD'S OVERLY OBVIOUS FLAUNTING OF  
THE FRG RULING HAD NOT HELPED MATTERS ANY SINCE  
CARRIERS WHO WERE OBSERVING THE LETTER OF THE  
RULING HAD IN FACT BEEN MOTIVATED TO PRESS THE  
FRG TO TAKE CORRECTIVE ACTION.

4. THE ABOVE DRAFTED BEFORE RECEIPT OF STATE  
299576. WE ALSO BELIEVE THAT CONSULTATIONS NOW  
OFFER ONLY EFFECTIVE APPROACH TO THE PROBLEM;  
MOREOVER, WE SUSPECT THE GERMANS WILL WISH TO  
BROADEN THE SCOPE OF THE TALKS TO INCLUDE ITEMS  
OF LONG STANDING INTEREST TO THEM, I. E. EXPANSION  
OF LUFTHANSA'S US LANDING RIGHTS. AS CAN BE  
SEEN FROM ABOVE (AND PREVIOUS) CONVERSATIONS FMT  
HAS BEEN LESS THAN FORTHCOMING IN COMMITTING IT-  
SELF TO DELAYING APPLICATION OF ITS TRUCKING  
RESTRICTIONS. WE WOULD HOPE THE CONCLUDING  
SENTENCE OF OUR RESPONSE TO THE FRG'S NOTE  
WOULD PROVIDE AN INCENTIVE FOR DELAYING ACTION  
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AGAINST SEABOARD BEYOND THE PERIOD INDICATED  
IN PARA 3, ABOVE. WE WILL SEEK FRG CONCURRENCE  
IN A DATE FOR CONSULTATIONS IMMEDIATELY; HOWEVER,  
SINCE THE HOLIDAY EXODUS HAS ALREADY BEGUN, WE  
DOUBT FRG OFFICIALS WILL BE IN A POSITION TO  
AGREE A DATE BEFORE NEXT WEEK.  
HILLENBRAND

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
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**Current Classification:** UNCLASSIFIED  
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**Copy:** SINGLE  
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